

NOTES FOR CASE # _____

_____. I received the summons from the Clerk of the Court on _____. Sixty (60) days from issuance of the summons is _____. My papers must be served by that date. I decided to serve by (pick one):

The papers were served on _____. The sheriff filed a “return of service” on _____.

OR

2. PRIVATE PROCESS. My server's name is _____.

The papers were served on _____. I filed the Affidavit of Service along with a copy of the summons at the court on _____, **OR**

The papers were not served. I filed a request to re-issue summons on _____.

The name of the person mailing the papers is _____.

An Affidavit of Service (along with the original return receipt/green card and a copy of the summons), were filed with the court on _____, OR

The papers were not served. I filed a request to re-issue summons on _____.

[illegible]

SERVICE

QUESTIONS AND ANSWERS ABOUT SERVICE OF PROCESS IN FAMILY CASES

Montgomery County Circuit Court
Family Law Self-Help Center
50 Maryland Avenue, Suite 1500
Rockville, MD 20850
www.montgomerycountymd.gov/circuitcourt

I filed my papers with the Clerk of the Court. What do I do now?

Wait for the summons to be sent to you. by the Clerk of the Court. After you receive it you **must** get **service of process** on the other side.

What is service of process?

Service of process is how you let the other side know what you filed with the court.



Why is service of process important?

If you are starting a case, it **cannot** go forward unless the other side is notified, or as the court calls it, served.

What must I serve on the other side?

A copy of the summons, the complaint and all other papers filed with the complaint.

How do I get a summons?

A few days after you file your papers with the court the office of the Clerk of the Court will send you a summons.

How do I serve the other side?

You have three choices:

1. By sheriff.
2. By private process.
3. By certified mail, restricted delivery.

Who is my server?

If you choose service by personal process or certified mail, someone other than you, who is over the age of 18 must serve (give or mail), the papers on the other side. You pick the person. If you choose service by sheriff, the sheriff is your server.

YOU CANNOT SERVE THE OTHER SIDE YOURSELF. SOMEONE ELSE, WHO IS OVER THE AGE OF 18 MUST DO IT FOR YOU.

1. How does service by Sheriff work?

- File your papers with the Clerk of the Court. Bring extra copies with you and have them stamped by the clerk. Keep those 'file stamped' copies.
- After you receive the summons from the Clerk of the Court, go to the sheriff's office. Request service and pay the \$40.00 fee. Give them a copy of the summons and the papers you filed with the Clerk of the Court. *If you are serving someone outside of Montgomery County you must go to the sheriff's office in that county.*
- The Sheriff's office will file a return of service with the Clerk of the Court.

2. How does service by private process work?

- File your papers with the Clerk of the Court. Bring extra copies with you and have them stamped by the clerk. Keep those 'file stamped' copies.
- **AFTER** you receive a copy of the summons from the Clerk of the Court, attach a copy of your 'file stamped' papers and give it to your server.
- After the other side is served make sure the Affidavit of Service is completed and signed by the process server.
- File the Affidavit of Service (with a copy of the summons attached), with the Clerk of the Court.

3. How does service by certified mail/restricted delivery work?

- File your papers with the Clerk of the Court. Bring extra copies with you and have them stamped by the clerk. Keep those 'file stamped' copies.
- **AFTER** you receive the summons from the Clerk of the Court, attach a copy of your 'file stamped' papers and have your server mail the papers to the other side by "Certified Mail, Restricted Delivery".
- After the return receipt /green card comes back signed by the other side, complete an Affidavit of Service. It must be signed by the person who mailed the papers.
- File the Affidavit of Service along with the return receipt/green card, with the Clerk of the Court.

How long do I have to serve someone?

A summons must be served within 60 days from the date it is issued.

What if it does not get served?

You must file a written request asking the court to reissue the summons.

IT IS IMPORTANT THAT THE OTHER SIDE IS SERVED. IF THEY ARE NOT SERVED, YOUR CASE CAN BE DISMISSED.

You must check the court file to see if service has been completed. You can do this at the courthouse or you can check online at:

www.casesearch.courts.state.md.us